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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

Honduras

1. The Committee on Economic, Social and Cultural Rights considered the initial report of Honduras on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.40) at its 5th, 6th and 7th meetings (E/C.12/2001/SR.5-7), held on 25 and 26 April 2001, and adopted, at its 25th meeting (E/C.12/2001/SR.25) held on 9 May 2001, the following concluding observations.

A. Introduction

2. The Committee welcomes the initial report of the State party, which was in general prepared in conformity with the Committee's guidelines, although submitted after many years' delay. The Committee welcomes in particular the open and frank nature of the constructive dialogue with the delegation and its willingness to answer the questions posed by the Committee.

B. Positive Aspects

3. The Committee notes with satisfaction the assertion by the State party that the Covenant is part of national law and that it can be invoked before a court of law, although the delegation was not able to provide any examples of case law.

4. The Committee also notes with appreciation the State party's declaration of its support for an optional protocol to the Covenant.

5. The Committee takes note with satisfaction of the establishment of institutions, such as the *Fiscalías Especiales de Derechos Humanos*, the *Instituto Nacional de la Mujer*, the *Consejerías de la Familia* and the *Ombudsman*, and the adoption of important laws in the field of human rights, such as the *Ley de Igualdad de Oportunidades entre el Hombre y la Mujer*, the *Ley contra la Violencia Doméstica* and the *Ley sobre la Salud Reproductiva*.

6. The Committee takes note with appreciation of the family subsidy programmes that are intended to benefit the poorest and most vulnerable groups of the population, in particular children under five years of age, pregnant women and nursing mothers, and elderly persons.

7. The Committee also notes with appreciation that the percentage of the national budget allocated to education has increased continuously in the period 1996-2001 (from 12.95 per cent to 22.76 per cent).

8. The Committee notes with satisfaction that during the period 1996-2000, 345 basic education centres were created in the 18 regions of the country.

C. Factors and difficulties impeding the implementation of the Covenant

9. The Committee takes note that the efforts of the State party to comply with its obligations under the Covenant are impeded by the fact that it is classified as a highly indebted poor country and that up to 40 per cent of its annual national budget is allocated to foreign debt servicing.

10. The Committee also acknowledges that the structural adjustment policies in the State party have negatively affected the enjoyment of economic, social and cultural rights by the population, especially the vulnerable and marginalized groups of society.

11. The Committee notes that the serious problem of poverty in the State party has been aggravated by the devastating effects of hurricane Mitch in October 1998 on the infrastructure and productive sectors, and that the State party is still in the process of recovering.

D. Principle subjects of concern

12. The Committee is concerned about the lack of adequate human rights training in the State party, in particular the rights guaranteed in the Covenant and in the Constitution, especially among the judiciary and other actors responsible for the implementation of the Covenant.

13. The Committee expresses its concern about the de facto inequality that exists between men and women in Honduran society - despite legislative guarantees of equality - which is particularly reflected in unequal wages for equal work, and the low-level of representation of women in public services and administration.

14. The Committee is concerned about the persisting discrimination against indigenous populations, especially in the field of employment, and the protection of traditional ancestral and agricultural lands.

15. The Committee is concerned about the lack of legislative and administrative measures by the State party to control the negative effects of transnational companies' activities on the employment and working conditions of Honduran workers and to ensure compliance with national labour legislation. Examples of such negative impacts are the low level of wages and the substandard working conditions in the *maquilas* (assembly plants), in particular those employing primarily women workers.

16. The Committee is particularly concerned about the very low number of labour inspectors and their inability to fulfil their responsibilities adequately due to reported restrictions that limit their access to enterprises and other work places subject to inspection.

17. The Committee expresses its grave concern about the fact that the minimum wage of workers is insufficient to provide for an adequate standard of living in the State party.

18. The Committee is also concerned about the insufficient level of protection by the State party to trade unions seeking to conduct labour negotiations with foreign employers, particularly given the large number of workers in unions. In addition, the Committee deeply regrets that the law prohibits the presence of more than one trade union in a single enterprise.

19. The Committee expresses its concern about the fact that the social security system covers less than one third of the population, especially as it excludes the groups in society with no income at all. In this regard, the Committee is concerned about the fact that the State party has not ratified the relevant International Labour Organization Conventions concerning social security (Nos. 102, 117 and 118).

20. The Committee is alarmed about the high number of children who are forced to work to support themselves, and in particular about the serious situation of street children and the existence of street gangs (*maras*). In this regard, the Committee is also gravely concerned about the high incidence of sexual abuse, exploitation and prostitution of children in the State party, and about the lack of a national plan to address these issues.

21. The Committee expresses its concern about the extent of domestic violence and the apparent inability of the State party to implement legislation against this phenomenon, particularly due to the lack of appropriate training of police and other law enforcement officials.

22. The Committee regrets the lack of a national housing strategy, given damage caused to the infrastructural situation by hurricane Mitch.

23. The Committee is concerned about the occurrence of forced evictions, especially among peasants and indigenous populations and in the areas where mining activities are conducted, without adequate compensation or appropriate relocation measures.

24. The Committee is particularly concerned about the extremely negative effects of the use of pollutants and toxic substances in specific agricultural and industrial sectors, such as banana

growing and gold-mining, on the environment, thereby putting at risk the health and lives of workers and those living in the vicinity of the affected areas. In this regard, the Committee is also concerned that environmental impact studies conducted by or on behalf of those sectors are without effective review by independent bodies.

25. The Committee deeply regrets the lack of measures by the State party to address effectively the problem of excessive deforestation, which negatively affects the habitat of indigenous populations.

26. The Committee is concerned about the insufficiency of medical services, especially in rural areas, and the difficulties experienced by people in gaining access to health care institutions. The Committee also expresses its deep concern about the high incidence of HIV/AIDS in the State party, which is among the highest in the region, and the inadequate information provided by the State party on the measures it has taken with regard to the provision of essential drugs.

27. The Committee also expresses its concern about the problems encountered by the State party in its efforts to implement its reproductive health policy, including the distribution and use of condoms, as a result of resistance by certain religious institutions, and the fact that educational programmes often only target women. In this regard, the Committee is also concerned about the high rate of teenage pregnancy and that those girls are deprived of the opportunity to continue their education.

28. The Committee regrets the high rate of illiteracy of 19.5 per cent recognized by the State party's delegation.

29. The Committee expresses its concern about the limited possibilities for indigenous peoples to be educated and to have access to the judicial system in their native languages.

E. Suggestions and recommendations

30. The Committee strongly urges the State party to ensure that the Covenant is taken into account in the formulation and implementation of all policies concerning economic, social and cultural rights.

31. The Committee recommends that the State party improve human rights training programmes in such a way as to ensure better knowledge, awareness and application of the Covenant and other international human rights instruments, in particular among the judiciary, law enforcement officials and other actors responsible for the implementation of the Covenant.

32. The Committee urges the State party to implement existing legislation more vigorously and to incorporate a gender perspective in legislation, with a view to ensuring greater equality of men and women, especially in the areas of employment, labour conditions, and representation in public services and administration.

33. The Committee recommends that the State party recognize the economic, social and cultural rights of indigenous populations as a distinct minority group and ensure more effective protection against discrimination, especially in the field of employment, health and education.

34. The Committee also recommends that the State party explicitly take the Covenant into account in relation to the policies, programmes and projects deriving from its Poverty Reduction Strategy Paper, which forms part of the enhanced Highly Indebted Poor Countries Initiative. In this regard, the State party is referred to the statement on poverty adopted by the Committee on 4 May 2001.

35. The Committee urges the State party to conclude its adoption of the Labour Code.

36. The Committee strongly recommends that the State party implement existing legislative and administrative measures to avoid violations of environmental and labour laws by transnational companies.

37. The Committee urges the State party to increase the number of its labour inspectors, and to ensure the full exercise of their authority in workplaces.

38. The Committee strongly urges the State party to adopt and implement legislative and other measures to protect workers from the occupational health hazards resulting from the use of toxic substances - such as pesticides and cyanide - in the banana-growing and gold-mining industries.

39. The Committee strongly recommends that the State party expand its social security system to encompass low-income groups and informal sector groups, which are presently excluded. In addition, the Committee recommends that the State party ratify the relevant ILO Conventions (Nos. 102, 117 and 118) concerning social security.

40. The Committee urges the State party to undertake urgent measures to introduce rehabilitation programmes for street children. The Committee also urges the State party to address the issue of sexual abuse, exploitation and prostitution of children by adopting a national plan to combat the problem, including collecting relevant data and conducting a thorough study of the issue.

41. The Committee strongly recommends that the State party implement the existing legislation on domestic violence vigorously, and that police and other law enforcement officials be given better training to this end.

42. The Committee recommends that the minimum wage be determined on the basis of criteria of an adequate standard of living in the State party.

43. The Committee requests that, in its next periodic report, the State party provide information on a national housing strategy and on the progress made in providing adequate housing for all, especially low-income groups, vulnerable and marginalized groups and those

who suffered losses as a result of hurricane Mitch. The Committee also recommends that the State party take all appropriate measures to address the problems of forced evictions and homelessness.

44. The Committee recommends that the State party review its legislation and adopt all appropriate measures with a view to continuing agrarian reform and addressing land tenure issues, in such a manner as to take account of the needs of the *campesinos* and of the land rights of indigenous populations.

45. Given that mining concessions may have a significant impact on the enjoyment of article12 and other provisions of the Covenant, the Committee recommends that applications for mining concessions be publicized in all the localities where the mining will take place, and that opposition to such applications be allowed within three months (not 15 days) of their publication in the relevant locality, in accordance with principles of procedural fairness.

46. The Committee urges the State party to adopt immediate measures to counter the negative environmental and health impacts of the use of pollutants and toxic substances in specific agricultural and industrial sectors, such as banana growing and gold mining. In this regard, the Committee recommends that the State party establish a mechanism by which it can review effectively the environmental impact studies conducted by or on behalf of these sectors.

47. The Committee urges the State party to undertake effective measures to address the high level of persons living with HIV/AIDS, and in particular facilitate access to essential drugs, and to seek international cooperation to this effect.

48. The Committee recommends that the State party continue to implement its reproductive health policy, with a particular focus on young persons, and that it develop training programmes and counselling services in this regard for both men and women.

49. The Committee requests that the State party, in its next periodic report, provide detailed information about mentally disabled persons, including a summary of the legal regime governing those in compulsory care and the measures that are in place to ensure their protection.

50. The State party is urged to adopt a comprehensive national plan for Education for All, as anticipated by paragraph 16 of the Dakar Framework for Action. When formulating and implementing its plan, the State party is urged to take into account the Committee's General Comments 11 and 13 and to establish an effective monitoring system for the plan. The State party is also encouraged to seek technical advice and assistance from the United Nations Educational, Scientific and Cultural Organization in relation to both the formulation and implementation of its plan.

51. The Committee requests that the State party, in its next periodic report, provide updated statistical information on the rate of illiteracy, as well as information on the measures taken by the State party to combat illiteracy and the results of these measures.

52. The Committee recommends that the State party undertake measures to ensure that indigenous populations are able to be educated and to have access to the judicial system in their own languages.

53. The Committee recommends that the State party avail itself more actively of technical assistance and cooperation from the Office of the United Nations High Commissioner for Human Rights and the relevant United Nations specialized agencies and programmes, particularly in the preparation of its second periodic report to the Committee.

54. The Committee requests the State party to disseminate its concluding observations widely among all levels of society and to inform the Committee on all steps taken to implement them. It also encourages the State party to consult with non-governmental organizations and other members of civil society in the preparation of the second periodic report.

55. Finally, the Committee requests the State party to submit its second periodic report by 30 June 2006, and to include in this report detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.